

FOLGER LEVIN & KAHN LLP

Roger B. Mead (CSB No. 093251, rmead@flk.com)

Karen J. Petrulakis (CSB No. 168732, kpetrulakis@flk.com)

Andrew J. Davis (CSB No. 203345, ddavis@flk.com)

Embarcadero Center West

275 Battery Street, 23rd Floor

San Francisco, CA 94111

Telephone: (415) 986-2800

Facsimile: (415) 986-2827

Attorneys for Defendants Renn Transportation Company,

Renn Transportation, Inc., Brad Renn, Patricia Renn,

Ann Renn and Robert Renn

SEDGWICK, DETERT, MORAN & ARNOLD LLP

STEVEN D. ROLAND (Bar No. 108097)

RANDALL G. BLOCK (Bar No. 121330)

TARA L. CONDON (Bar No. 215312)

One Market Plaza, Steuart Tower, 8th Floor

San Francisco, California 94105

Telephone: (415) 781-7900

Facsimile: (415) 781-2635

Attorneys for Plaintiff Caterpillar Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CATERPILLAR INC., a Delaware
Corporation,

Plaintiff,

v.

RENN TRANSPORTATION COMPANY,
a California General Partnership, RENN
TRANSPORTATION, INC., a California
Corporation, BRAD RENN, PATRICIA
RENN, ANN RENN and, ROBERT
RENN, individuals, and Does 1-10,

Defendants.

Case No. 5:06-CV-04529

**STIPULATION AND PROPOSED ORDER
FOR RELIEF FROM SCHEDULING
ORDER**

(Local Rule 16-2(D))

1 By signatures of their counsel to this Stipulation, the parties to this action stipulate and
 2 request that the deadlines set forth in this Court's July 5, 2007 Scheduling Order be continued as
 3 set forth in the schedule below.

4 The parties desire to continue the dates set forth in the Scheduling Order for the following
 5 reasons:

6 1. On March 20, 2007, the parties conducted an all day mediation session before the
 7 Hon. Ellen Sickles James at JAMS. Although the parties did not resolve the dispute at the March
 8 20, 2007 mediation, the parties agreed to and did reconvene for a second mediation session on
 9 May 3, 2007. The parties, with the assistance of Judge James, have continued discussions and are
 10 optimistic that they will resolve their disputes. They are negotiating the final terms of a
 11 settlement agreement. Counsel for all parties desire to devote their time, energies, and resources
 12 to their efforts to resolve this matter, rather than expend resources completing tasks necessary to
 13 comply with the rapidly approaching deadlines (including discovery, expert witness, and
 14 dispositive motion deadlines) set forth in the Court's July 5, 2007 Scheduling Order.

15 2. This Stipulation and Proposed Order is not interposed for purposes of delay but in
 16 the interests of justice and the resolution of the controversies herein.

17 Case Schedule

18 Counsel for all parties have conferred with respect to these matters, and all parties agree to
 19 continue the dates set forth in the Court's prior Schedule as reflected below:

20 Defendants' Response to Third Amended	July 31, 2007
21 Complaint	(continued from July 17, 2007)
22 Disclosure of Expert Witnesses	September 11, 2007
	(continued from August 27, 2007)
23 Rebuttal Expert Witness Disclosures	October 1, 2007
24	(continued from September 17, 2007)
25 Last Day For Hearing On Objections To	November 5, 2007
26 Qualifications Or Testimony Of Expert	(continued from October 22, 2007)
27 Close of All Discovery	November 12, 2007
28	(continued from October 29, 2007)

1 **Last Day For Hearing Dispositive Motions** **December 17, 2007**
2 (continued from December 3, 2007)

3 **Preliminary Pretrial Conference** **February 1, 2008**
4 **Statements** (continued from January 18, 2008)

5 **Preliminary Pretrial Conference** **February 11, 2008**
6 **at 11:00 a.m.** (continued from January 28, 2008)

7 Dated: July 17, 2007

FOLGER LEVIN & KAHN LLP

/s/ Roger B. Mead

Roger B. Mead

Attorneys for Defendants

Renn Transportation Company, Renn Transportation,
Inc. Brad Renn, Patricia Renn, Ann Renn and Robert
Renn

14 Dated: July 17, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

/s/ Randall G. Block

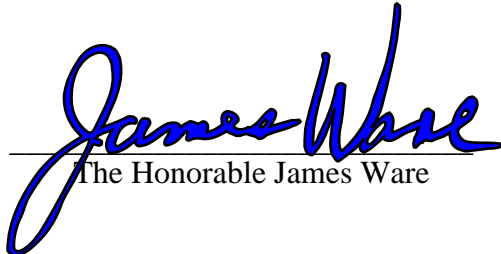
Randall G. Block

Attorneys for Plaintiff Caterpillar, Inc.

20 ~~PROPOSED~~ **ORDER**

21 PURSUANT TO STIPULATION, IT IS HERBY ORDERED that the schedule set forth
22 in this Stipulation and Proposed Order is hereby adopted by the Court and the parties are directed
23 to comply with this Order.

24 Dated: July 18, 2007


The Honorable James Ware

26 78080\2001\558160.1